



United States Department of Agriculture  
Food and Nutrition Service

Western Region

Reply to  
Attn of: WSN-1: SA-9-3 GEN

July 2, 2004

Subject: All States Memorandum 04-47  
**Sale of Infant Formula on eBay**

**INFORMATION - X**  
**POLICY -**  
**ACTION -X**

To: All Western Region State WIC Directors

We have received a number of notices from States and others concerned about the sale of WIC commodities, particularly infant formula, on the eBay website. On any given day, hundreds of auctions can be found on the site for different types and amounts of infant formula. Beyond the obvious potential for fraud, such activity might also lead to health and safety issues. The sale of formula that has expired or been tampered with or recalled poses a potentially serious risk.

As you know, the responsibility for dealing with participant misuse of WIC commodities lies with each State agency. However, we recognize that a coordinated nationwide effort to deal with the problem could reduce the duplication of States' efforts and possibly lead to a unified policy. Our National Office has started the process of contacting eBay. Meanwhile, we welcome any input you would like to share with us on the subject and will let you know as the process moves ahead.

Please stress with your local WIC staff the importance of reminding participants that the food they purchase with WIC vouchers cannot legally be resold. Participants engaging in this type of abuse can be suspended from the program for up to one year and subject to claims. Unusable formula or other items are to be returned to the WIC clinic.

If you have any questions or concerns regarding this memorandum, please contact GeNam Chew of my staff at (415) 705-1313.

/Original signed by  
Cordelia Fox/

CORDELIA FOX  
Regional Director  
Supplemental Nutrition Programs  
Western Region